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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THOMAS LEONARD, et al.,

Plaintiffs,

v.

BIMBO BAKERIES USA, INC., et al.,

Defendants.

No. C 05-00829 JW (HRL)

DECLARATION OF WENDY M.
LAZERSON IN SUPPORT OF
STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE
SCHEDULED FOR OCTOBER 29, 2007

Judge: Hon. James Ware

A/72257592.2/3003187-0000313787

1 KATHLEEN MORRISON, et al.,
 2 Plaintiffs,
 3 v.
 4 BIMBO BAKERIES USA, INC., et al.,
 5 Defendants.

No. C 07-03156 SI (reassigned to Judge James Ware)

DECLARATION OF WENDY M. LAZERSON IN SUPPORT OF STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE SCHEDULED FOR OCTOBER 29, 2007

Judge: Hon. James Ware

6
 7 I, Wendy M. Lazerson, declare:

8 1. I am a partner in the law firm of Bingham McCutchen LLP, and counsel
 9 for Defendant Bimbo Bakeries USA, Inc. ("BBU") in the above-entitled actions. I have personal
 10 knowledge of the facts set forth in this declaration and would be competent to testify to the truth
 11 thereof if called to do so.

12 2. I submit this declaration in support of the Parties' stipulation to reschedule
 13 the upcoming Case Management Conference in the *Leonard* and *Morrison* actions from October
 14 29, 2007 to November 19, 2007, or a later date more convenient to the Court. The reason for the
 15 parties' request is that the Court's Order setting the CMC was not received until October 10,
 16 2007, 12 days after it was issued, and the Parties have not had an opportunity to meet and confer
 17 and prepare a joint CMC statement.

18 3. The Court's ruling in these actions granting in part BBU's Motion for
 19 Summary Judgment in the *Leonard* action, denying the *Leonard* Plaintiffs' Motion for Partial
 20 Summary Judgment in the *Leonard* action, ordering that the *Leonard* action and the *Morrison*
 21 action be related and that the *Morrison* action be reassigned to the Department of the Honorable
 22 James Ware, and scheduling the October 29, 2007 Case Management Conference in *Leonard* and
 23 *Morrison* is dated September 28, 2007.

24 4. Previous time modifications in the *Leonard* action are as follows: the
 25 original hearing date for the Parties' cross-motions for summary judgment was July 24, 2006.
 26 However, the Parties stipulated to a new schedule, resulting in a filing deadline of September 11,
 27 2006 and a hearing date of October 16, 2006. The Parties entered into a second stipulation on
 28 August 18, 2006, extending the filing deadline for motions for summary judgment to October 3,

1 2006, and the hearing date to November 20, 2006. The Court entered an Order to that effect on
2 August 21, 2006. The Parties entered into a third stipulation, which the Court approved on
3 September 21, 2006, extending the filing deadline for motions for summary judgment to January
4 16, 2007. On January 8, 2007, the parties stipulated to continue the motions for summary
5 judgment to March 12, 2007, due to illness of Plaintiffs' counsel. The Court entered an Order
6 granting that continuance on January 10, 2007. On January 11, 2007, the parties stipulated to
7 continue the hearing date for a motion to compel and motion for attorneys' fees filed by the
8 Plaintiffs from January 30, 2007 to February 6, 2007, also due to illness of Plaintiffs' counsel.
9 Because of this continuance, the parties were able to resolve the issues in Plaintiffs' motion to
10 compel by meeting and conferring, and the hearing was ultimately cancelled.

11 5. Previous time modifications in the *Morrison* action are as follows: on,
12 September 5, 2007, the parties stipulated to continue the original Case Management Conference
13 in the *Morrison* action from September 21, 2007 until this Court issued its order in the *Leonard*
14 action on the parties' cross-motions for summary judgment. On September 6, 2007, the Court, in
15 an Order issued by the Honorable Susan Illston, entered an order continuing the Case
16 Management Conference until November 9, 2007.

17 6. The requested continuance would have little effect on the other dates in
18 these actions, because currently no future dates are scheduled in either action.

19
20 I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and correct.

22 Executed this 17th day of October, 2007, in East Palo Alto, California.

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24 
25 _____
26 Wendy M. Lazerson
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